

Application Serial No.: 10/728,747
Art Unit: 3673

Attorney Docket No. 22779.01
Confirmation No. 9316

REMARKS

By the present amendment, Applicant has cancelled Claims 1-17, and added Claims 18-24. Claims 18-24 remain pending in the present application. Claim 18 is the sole independent claim.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held October 27, 2004. The present response summarizes the substance of the interview. At the interview an amendment to the claims was presented. Proposed Claims 1, 3, 5, 8 and 9 were amended to correct the claim language in accordance with the Examiner's suggestions as noted in the Claim Objections of the outstanding Office Action.

Arguments were advanced that the applied prior art reference to Kinchen et al. '713 failed to anticipate Claims 1-6, and 15, under 35 U.S.C. 102(e), as originally presented. Further, it was discussed that the secondary references to Mack et al. '972, and Lemke '297, when combined with Kinchen et al. did not render the dependent Claims 7-14, 16 and 17 obvious under 35 U.S.C. 103(a). The Examiner indicated that an affidavit might serve to antedate the Kinchen et al. reference. On the other hand, the Examiner suggested expounding on the structural specifics of the claim language in order to define over the applied prior art of record.

In the recent Office Action dated August 12, 2004, the Examiner rejected Claims 1-6, and 15 under 35 U.S.C. 102(e), as being anticipated by Kinchen et al. Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kinchen et al. in view of Mack et al. Claims 8-10, 12, 14, and 16 were rejected as being unpatentable over Kinchen et al. The Examiner rejected Claims 11, 13, and 17 under 35 U.S.C. 103(a) as being unpatentable over Kinchen et al. in view of Lemke.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

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Newly presented Claims 18-24 set forth embodiments described under the instant application. In particular, newly presented independent Claim 18 recites a prayer cushion and aid including a pillow, a plurality of pockets, and a plurality of prayer cards. The pillow has an outer casing and an inner filling. The inner filling is a soft resilient material. The outer casing has a predetermined shape for providing an aesthetically appealing appearance, such that when constructed, the inner filling maintains the shape of the outer casing. An ornamental design is attached to the outer casing of the pillow. The pockets are disposed in the outer casing, wherein each of the pockets defines an opening, at least one of the pockets is defined between the ornamental design and the outer casing, and at least one prayer card is disposed in at least one of the pockets. The ornamental design is characterized as being aesthetically appealing, and fosters a feeling of comfort.

With respect to the cited and applied prior art of record, namely, Kinchen et al., Mack et al., and Lemke, neither reference teaches a prayer cushion and aid having, inter alia, an aesthetically appealing ornamental design that fosters a feeling of comfort. Applicant respectfully submits that none of the applied prior art references to Kinchen et al., Mack et al., and Lemke, anticipate, nor render obvious, alone or in combination, the features of the instantly claimed embodiments. Applicant respectfully submits that for at least this reasons, newly presented Claims 18-24 are allowable over the prior art applied of record.

The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the foregoing reasons is respectfully requested.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard C. Litman', with a stylized flourish at the end.

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RCL:DHT:wse